

Terms on Interim Injunction Order granted by the High Court against promotion, encouragement and incitement of the use or threat of violence via internet-based platform or medium amended

The Secretary for Justice as guardian of the public interest applied ex parte to the Court and was granted an interim injunction on October 31 (HCA 2007/2019 – formerly High Court Intended Action 202/2019).

The Internet Society Hong Kong Limited applied to discharge or vary the interim injunction.

The Court today (November 15) ordered that the interim injunction continue but in slightly amended terms as follows:

(a) Wilfully disseminating, circulating, publishing or re-publishing on any internet-based platform or medium (including but not limited to LIHKG and Telegram) any material or information for the purpose of promoting, encouraging or inciting the use or threat of violence, intended or likely to cause:

- (i) bodily injury to any person unlawfully within Hong Kong; or
- (ii) damage to any property unlawfully within Hong Kong.

(b) Wilfully assisting, causing, counselling, procuring, instigating, inciting, aiding or abetting others to commit any of the aforesaid acts or participate in any of the aforesaid acts.

Since this June, there have been numerous instances of violent protests and vandalising acts in many districts of Hong Kong including but not limited to criminal damage to property, assaults of the person, riots and arson. The use of internet-based platform or medium, given its anonymous and instantaneous nature in communication as well as accessibility, have been abused by some to incite protesters to participate in unlawful activities, to promote the use of weapons and to mobilise protesters to damage targeted properties and injure targeted individuals (in particular police officers). Such acts have seriously breached public peace, and posed a grave and genuine danger to the police and members of the public.